

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TENARIA TIFFANY
TOWNSEND, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ANTHONY FRANCIS TOWNSEND,

Respondent-Appellant,

and

TENSEIA CORWYN TOWNSEND and BOBBIE
CARTER,

Respondents.

UNPUBLISHED

August 21, 2003

No. 244046

Wayne Circuit Court

Family Division

LC No. 00-391245

Before: Markey, P.J. and Cavanagh and Saad, JJ.

PER CURIAM.

Respondent appeals by right the trial court's order terminating his parental rights to his child Tenaria Tiffany Townsend (DOB 6-18-92) pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), and (g).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more

¹ Respondent is not the biological father of the second child named in the petition, Bobbie Corwyn Carter (DOB 7-15-95); however, he is the legal father of the child. Respondent has not challenged the trial court's termination of his parental rights to this child. The trial court's order also terminated the parental rights of respondents Tenseia Corwyn Townsend, the mother of both children, and Bobbie Carter, the biological father of Bobbie Corwyn Carter. Tenseia Corwyn Townsend and Bobbie Carter have not appealed the trial court's order.

statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. When respondent's child was taken into custody, respondent admitted that he failed to provide her with support or a proper home. Respondent made virtually no verifiable effort to comply with the parent-agency agreement although he was afforded multiple opportunities over a two-year period to do so. He was aware of his obligations under the parent-agency agreement but acknowledged that he chose to not fulfill those obligations. Respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time his child was taken into custody. No evidence supported a finding that respondent would make a substantial effort to comply with the parent-agency agreement if given more time to do so. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication and other conditions continued to exist, had not been rectified, and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i) and (c)(ii), and that respondent failed to provide proper care or custody for his child and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

We affirm.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad